



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

Michael O. Leavitt  
Governor

Ted Stewart  
Executive Director

Robert L. Morgan  
State Engineer

1636 West North Temple, Suite 220

Salt Lake City, UT 84116-3156

801-538-7240

801-538-7467 (Fax)

June 29, 1994

ALSO MAILED  
TO MARVIN NIELSEN  
& AET TAYLOR.

Mr. Douglas Nielson  
Box 114  
Duchesne, Ut 84021

re: Inclusion of Indian Creek in the  
Duchesne River Distribution System

Dear Mr. Nielson:

Indian Creek is a tributary of the Duchesne River which historically has not been included or regulated as part of the Duchesne River Distribution System. Up until this time, distribution of water on the creek has been handled by the water users themselves. However, complaints have recently reached our office which indicate self regulation is no longer meeting the needs of the water users.

Therefore, to ensure the appropriate distribution of water, you are hereby notified that the diversions on Indian Creek will now be included as part of the Duchesne River Distribution System and will be regulated by the Duchesne River Commissioner. The diversions on the creek will be regulated according to the water rights for the creek which are on record with the Division of Water Rights.

For now, the flow rate allowed at each diversion will be according to the flow shown on the water right. In the future, flows may be governed by a delivery schedule based on the number of irrigated acres allowed by the right. Also, water will only be distributed at the points of diversion described on the water rights.

As part of the distribution system, you are required (according to section 73-5-4 of the Utah Code annotated, 1953, as amended) to have an operational headgate at each point of diversion that can be locked. Also, under the same section, you are required to have an accurate measuring device at each diversion. Failure to comply with this requirement could result in an order to cease the use of water and the closure of the diversion by the commissioner.

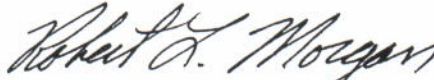
The river commissioner for the Duchesne River is John Swasey. The commissioner is appointed and authorized by the State Engineer to regulate the river under his direction. He is empowered to regulate or close and lock headgates when required for proper distribution. When this occurs he will tag the headgate or diversion with a tag signed by himself and the State Engineer. Tampering with the headgate after it has been regulated or closed by the commissioner is a misdemeanor.

Indian Creek  
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Also, as a water user on the Duchesne River Distribution System, you will be assessed for the salary of the commissioner and the expenses of operating the distribution system. Currently, the assessments on the Duchesne River are based on the amount of water diverted during the previous year. The assessment rate is \$0.10 per acre foot with a minimum of \$20.00. An annual meeting of the water users is held in February to set the annual budget and discuss distribution issues on the river. You will receive a notice of the meeting.

If you have any questions concerning this notice, please contact Lee Sim, Assistant State Engineer for Distribution, at 538-7380 or Bob Leake, Regional Engineer, at 781-5327.

Sincerely,



Robert L. Morgan, P.E.  
State Engineer

cc: Bob Leake  
John Swasey  
Lee Sim